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CLERK, U.S. DISTRICT COURT  
ANCHORAGE, AK

Dwight Junior McCullough

Name

741549

Prison Number

Anchorage Correctional Complex East

Place of confinement

1400 East 4th Ave

Mailing address

Anchorage, AK 99501

City, State, Zip

Telephone

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

Dwight Junior McCullough

(Enter full name of plaintiff in this action)

Case No. \_\_\_\_\_

(To be supplied by Court)

Plaintiff,

vs.

Lithia Kia of Anchorage  
American Credit Acceptance

PRISONER'S  
COMPLAINT UNDER  
THE CIVIL RIGHTS ACT  
42 U.S.C. § 1983

\_\_\_\_\_  
(Enter full names of defendant(s) in this action.  
Do NOT use *et al.*)

Defendant(s).

**A. Jurisdiction**

Jurisdiction is invoked under 28 U.S.C. § 1343(a)(3).

**B. Parties**

1. Plaintiff: This complaint alleges that the civil rights of Dwight Junior McCullough  
(print your name)  
who presently resides at 1400 East 4th Ave Anchorage, AK 99501  
(mailing address or place of confinement)

were violated by the actions of the individual(s) named below.

2. Defendants (Make a copy of this page and provide same information if you are naming more than 3 defendants):

Defendant No. 1, Lithia Kia of Anchorage is a citizen of Alaska, and is employed as a Corporation.  
(name) (state) (defendant's government position/title)

☒ This defendant **personally participated** in causing my injury, and I want **money damages**.

OR

☐ The **policy or custom** of this official's government agency violates my rights, and I seek **injunctive relief** (to stop or require someone do something).

Defendant No. 2, American Credit Acceptance is a citizen of Alaska, and is employed as a Corporation.  
(name) (state) (defendant's government position/title)

☒ This defendant **personally participated** in causing my injury, and I want **money damages**.

OR

☐ The **policy or custom** of this official's government agency violates my rights, and I seek **injunctive relief** (to stop or require someone do something).

Defendant No. 3, \_\_\_\_\_ is a citizen of \_\_\_\_\_, and is employed as a \_\_\_\_\_.  
(name) (state) (defendant's government position/title)

☐ This defendant **personally participated** in causing my injury, and I want **money damages**.

OR

☐ The **policy or custom** of this official's government agency violates my rights, and I seek **injunctive relief** (to stop or require someone do something).

**\*\*\*REMINDER\*\*\***

**You must exhaust your administrative remedies before your claim can go forward.  
THE COURT MAY DISMISS ANY UNEXHAUSTED CLAIMS.**

**C. Causes of Action** (You may attach additional pages alleging other causes of action and facts supporting them if necessary. Make copies of page 5 and rename them pages 5A, 5B, etc. and rename the claims, "Claim 4," "Claim 5, etc.").



Claim 1: On or about April 21, 2020, my civil right to

Unfair and Deceptive Business Practices

(Medical care, access to the courts, due process, freedom of religion, free speech, freedom of association, freedom from cruel and unusual punishment, etc. List only one violation.)

was violated by Lithia Kia of Anchorage

(Name of the specific Defendant who violated this right)

Supporting Facts (Briefly describe facts you consider important to Claim 1. State what happened briefly and clearly, in your own words. Do not cite legal authority or argument. Describe exactly what each defendant, by name, did to violate the right alleged in Claim 1.):

On April 10, 2020 I Dwight Junior McCullough entered into a retail installment Sales Contract with Lithia Kia of Anchorage for a 2019 Dodge Durango Price at 39,471.<sup>00</sup> I gave Lithia Kia 100 cash and on 4-13-2020 gave them \$14,900<sup>00</sup> as a down payment for the vehicle. On 4-21-2020 the third party lender American Credit Acceptance chose not to extend financing due to a charge-off on my credit. Lithia Kia filed a police report on 4-21-2020 for the repossession of the vehicle without notifying me and on 4-22-2020 repossessed my vehicle that I was supposed to be financing from my residence without prior notice. I returned Lithia Kia of Anchorage the keys to the vehicle and never received any of the \$15,000<sup>00</sup> down payment back. Lithia Kia of Anchorage's unfair and Deceptive Business Practices clearly shows unfair acts of practicing affecting commerce by not returning what was supposed to be a deal upon good faith. Lithia Kia of Anchorage should also held accountable for theft of a down payment as well. See Retail-installment sales contract (Exhibit C) and down payment form (Exhibit D)

Prisoner § 1983 - 3  
PS01, Nov. 2013

Claim 2: On or about 4-10-2020, my civil right to  
(Date)  
Equal Credit Opportunity act Violation/discrimination  
(Medical care, access to the courts, due process, freedom of religion, free speech, freedom of association, freedom from cruel and unusual punishment, etc. List only one violation.)

was violated by Lithia Kia of Anchorage/American Credit  
(Name of the specific Defendant who violated this right)  
Acceptance

Supporting Facts (Briefly describe facts you consider important to Claim 2. State what happened briefly and clearly, in your own words. Do not cite legal authority or argument. Describe exactly what each defendant, by name, did to violate the right alleged in Claim 2.):

On April 10, 2020, I Dwight Junior McCullayh was in the market for a new vehicle and decided to purchase one through financing after much talk with Salesman Christopher Mathis over the telephone. Finance Manager Jose Alvarado drew up a contract for the sale of a 2019 Dodge Durango, but before that was done I agreed that my monthly payment range needed to be nothing over 500 <sup>00</sup> and we agreed putting \$15,000 <sup>00</sup> down would place my payment below that mark. The finance manager Jose Alvarado never showed me how much my payment was going to be nor did anyone at the dealership just showed me who I would be financing the vehicle with. Discrimination on the dealership for charging me so much for financing and for never telling me what my payment was going to be. Its also discrimination for deliberately going over the agreed monthly payment by nearly \$100 <sup>00</sup>. Lithia Kia of Anchorage Violated



Equal Credit Opportunity Act by having me sign someone else's credit under the impression it's mine. (Exhibit A), which means my credit inquiry is being misappropriated and not telling whose hands it's in. On the retail-installment Sales contract between me and Lithia Kia of Anchorage was never properly shown or explained just was told to sign Arbitration Clause, and two other spots on the contract explaining how the contract can never be changed.

Claim 3: On or about 4-21-2020, my civil right to

Intentional Infliction of emotional distress (Date)

(Medical care, access to the courts, due process, freedom of religion, free speech, freedom of association, freedom from cruel and unusual punishment, etc. List only one violation.)

was violated by Lithia Kia of Anchorage  
(Name of the specific Defendant who violated this right)

Supporting Facts (Briefly describe facts you consider important to Claim 3. State what happened briefly and clearly, in your own words. Do not cite legal authority or argument. Describe exactly what each defendant, by name, did to violate the right alleged in Claim 3.):

On April 10, 2020 I Dwight Junior McGillcush entered into a retail-installment sales contract (RISC) with Lithia Kia of Anchorage for a 2019 Dodge Durango price at 39,471. We agreed upon a \$15,000 down payment and on April 21, 2020 Lithia Kia was unable to assign RISC to a lender and per agreement signed by me and Lithia Kia, immediately upon notice from Lithia Kia to me that financing is not approved I was to return the vehicle to Lithia Kia but only upon notice, per delivery agreement signed on 4-10-2020 (Exhibit B). Lithia Kia never gave notice to me at all, as of matter of fact the day they got notice of financing not being approved is the same exact day they filed a police report with Anchorage Police Department still without notifying me whatsoever. Lithia Kia repossesses the vehicle on 4-22-2020 from my residence without notice and I return the keys to them and never receive any of my down payment back. On 4-29-2020 I am arrested for Theft of the vehicle and others

charges related to the transaction of that vehicle due to Lithia Kia's negligence and not adhering to their own delivery agreement by not giving me notice to return the vehicle, I am claiming that Lithia Kia of Anchorage inflicted intentional emotional distress. I was humiliated in front of my job and incarcerated for 5 months along with loss of job and wages. If Lithia Kia of Anchorage would have given me notice to return the vehicle and not filed a police report then none of this emotional distress would have happened.



**D. Previous Lawsuits**

1. Have you begun other lawsuits in **state or federal court** dealing with the **same facts** involved in this action, **or otherwise relating to your imprisonment**? \_\_\_\_\_ Yes ☒ No

2. If your answer is "Yes," describe each lawsuit.

a. Lawsuit 1:

Plaintiff(s): \_\_\_\_\_

Defendant(s): \_\_\_\_\_

Name and location of court: \_\_\_\_\_

Docket number: \_\_\_\_\_ Name of judge: \_\_\_\_\_

Approximate date case was filed: \_\_\_\_\_ Date of final decision: \_\_\_\_\_

Disposition: \_\_\_\_\_ Dismissed \_\_\_\_\_ Appealed \_\_\_\_\_ Still pending

Issues Raised: \_\_\_\_\_

b. Lawsuit 2:

Plaintiff(s): \_\_\_\_\_

Defendant(s): \_\_\_\_\_

Name and location of court: \_\_\_\_\_

Docket number: \_\_\_\_\_ Name of judge: \_\_\_\_\_

Approximate date case was filed: \_\_\_\_\_ Date of final decision: \_\_\_\_\_

Disposition: \_\_\_\_\_ Dismissed \_\_\_\_\_ Appealed \_\_\_\_\_ Still pending

Issues Raised: \_\_\_\_\_

3. Have you filed an action in federal court that was dismissed because it was determined to be frivolous, malicious, or failed to state a claim upon which relief could be granted?

\_\_\_\_\_ Yes ☒ No

If your answer is "Yes," describe each lawsuit on the next page.



**Lawsuit #1 dismissed as frivolous, malicious, or failed to state a claim:**

- a. Defendant(s): \_\_\_\_\_
- b. Name of federal court \_\_\_\_\_ Case number: \_\_\_\_\_
- c. The case was dismissed as: \_\_\_ frivolous, \_\_\_ malicious and/or \_\_\_ failed to state a claim
- d. Issue(s) raised: \_\_\_\_\_
- e. Approximate date case was filed: \_\_\_\_\_ Date of final decision: \_\_\_\_\_

**Lawsuit #2 dismissed as frivolous, malicious, or failed to state a claim:**

- a. Defendant(s): \_\_\_\_\_
- b. Name of federal court \_\_\_\_\_ Case number: \_\_\_\_\_
- c. The case was dismissed as: \_\_\_ frivolous, \_\_\_ malicious and/or \_\_\_ failed to state a claim
- d. Issue(s) raised: \_\_\_\_\_
- e. Approximate date case was filed: \_\_\_\_\_ Date of final decision: \_\_\_\_\_

**Lawsuit #3 dismissed as frivolous, malicious, or failed to state a claim:**

- a. Defendant(s): \_\_\_\_\_
- b. Name of federal court \_\_\_\_\_ Case number: \_\_\_\_\_
- c. The case was dismissed as: \_\_\_ frivolous, \_\_\_ malicious and/or \_\_\_ failed to state a claim
- d. Issue(s) raised: \_\_\_\_\_
- e. Approximate date case was filed: \_\_\_\_\_ Date of final decision: \_\_\_\_\_

4. Are you in imminent danger of serious physical injury? \_\_\_ Yes ☒ No

If your answer is "Yes," please describe how you are in danger, without legal argument/authority: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**F. Request for Relief**

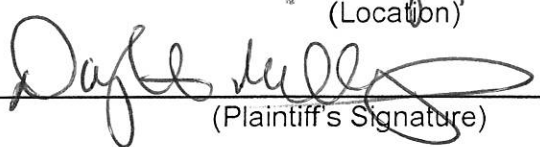
Plaintiff requests that this Court grant the following relief:

1. Damages in the amount of \$ 950,000<sup>w</sup>
2. Punitive damages in the amount of \$ 1,250,000<sup>w</sup>
3. An order requiring defendant(s) to drop all pending cases.
4. A declaration that \_\_\_\_\_
5. Other: \_\_\_\_\_

Plaintiff demands a trial by jury. \_\_\_\_\_ Yes ☒ No

**DECLARATION UNDER PENALTY OF PERJURY**

The undersigned declares under penalty of perjury that s/he is the plaintiff in the above action, that s/he has read the above civil rights complaint and that the information contained in the complaint is true and correct.

Executed at Anchorage, Alaska on 9/22/20  
(Location) (Date)  
  
(Plaintiff's Signature)

\_\_\_\_\_  
Original Signature of Attorney (if any) (Date)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Attorney's Address and Telephone Number

Dwight Junior McWilliams #741549  
Anchorage Correctional Complex East  
1400 East 4th Ave  
Anchorage, AK 99501

United States District Court clerk  
US Federal Courthouse  
222 West 7th Ave  
Anchorage, AK 99513

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